

ESTTA Tracking number: **ESTTA767279**

Filing date: **08/29/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91222999
Party	Defendant Videokall Inc.
Correspondence Address	VIDEOKALL INC 10631 BARN WOOD LN POTOMAC, MD 20854-1325 UNITED STATES cnahabed@gmail.com
Submission	Defendant's Notice of Taking Testimony
Filer's Name	Charles Nahabedian
Filer's e-mail	c.nahabedian@medexspot.com
Signature	/Charles E Nahabedian/
Date	08/29/2016
Attachments	Applicant PRETRIAL Disclosures.pdf(246622 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK  
OFFICE BEFORE THE TRADEMARK TRIAL AND  
APPEAL BOARD**

In the Matter of Application Serial No.  
86/414,664 Published in the Official Gazette of  
March 31, 2015

URGENT CARE MSO, LLC,

Opposer,

v.

VIDEOKALL, INC.,

Applicant.

Opposition No. 91222999

**APPLICANT'S PRETRIAL DISCLOSURES**

Pursuant to Rule 2.121(e) of the Trademark Rules of Practice, Applicant VideoKall, Inc (Applicant) hereby provides its pretrial disclosures of the witnesses from whom it intends to take testimony, or may take testimony if the need arises, and a general summary or list of the types of documents and things which may be introduced as exhibits during the testimony of each witness.

**Witnesses and Documents**

1. Vincent Waterson

Acting Chairman and VP of Branding  
VideoKall, Inc.  
P.O. Box 60841  
Potomac, Maryland 20859

Mr. Waterson is expected to testify regarding the Company's:

- Characteristics of urgent care clinics, such as staffing, physical size, equipment, list of ailments and services provided; sales channel, ideal characteristics for locating, and situations where there is a referral to an ER;

- Description of MedExpress market penetration
- Characteristics of software as a service
- Differences between B2B and B2C businesses
- MEDEX SPOT as an arranger for medical services as provided by, and as an extension of, hospitals and clinics
- Characteristics of MEDEX SPOT micro-cabins, such as staffing, list of ailments and services provided by remote hospital, sales channel, situations where there is a referral to a PCP, urgent care or ER;

Applicant currently intends to introduce through Mr. Waterson the following categories of documents or source material:

- MedExpress documents or its derivative information
- List of “Famous Brands”
- TESS search

## 2. Charles E. Nahabedian

Chief Executive Officer  
VideoKall, Inc.  
P.O. Box 60841  
Potomac, Maryland 20859

Mr. Nahabedian is expected to testify regarding the Company’s

- Expected locations of Medex Spot micro-cabins through its sales channels
- Provider and marketer of services through the MEDEX SPOT cabin and service platform
- White-labeled medical services enabled, and arranged, by MEDEX SPOT
- Trademarks similar to and different from MedExpress.
- MedExpress as a descriptive trademark; construct, meaning, sales channel used;

- Competitive comparison with telehealth, mini-clinics, urgent care centers, PCPs and ERs;

Applicant currently intends to introduce through Mr. Nahabedian the following categories of documents or source material:

- MEDEX SPOT marketing slides
- Relevant Trademark references

Date: August 29, 2016



Charles E. Nahabedian  
VideoKall, Inc  
P.O. Box 60841  
Potomac, MD 20859  
Tel: 805-233-7844

[The remainder of this page is deliberately blank.]

**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2016, I served the foregoing APPLICANT'S  
AMENDED RESPONSE TO NOTICE OF OPPOSITION by e-mail  
[\[LGregory@seyfarth.com\]](mailto:LGregory@seyfarth.com) and by depositing a true copy thereof in a sealed envelope,  
postage prepaid, in First Class U.S. Mail addressed as follows:

Lauren M. Gregory  
SEYFARTH SHAW LLP  
1075 Peachtree St. NE, Suite 2500  
Atlanta, Georgia 30309

A handwritten signature in black ink, appearing to read "Charles Nahabedian". The signature is fluid and cursive, with a large initial "C" and a stylized "N".

Signed \_\_\_\_\_  
Charlie Nahabedian, VideoKall Inc